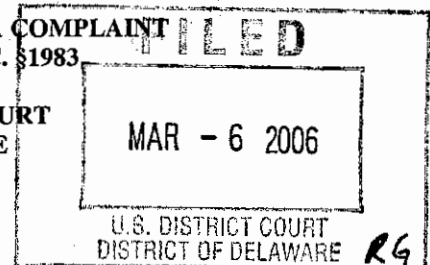


(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**



(1) Charles F. Cardone 098159
(Name of Plaintiff) (Inmate Number)

DCC, Smyrna... 19977
(Complete Address with zip code)

(2) _____
(Name of Plaintiff) (Inmate Number)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) Police Chief, Rehoboth, Keith Banks
(2) PFC R. Tyler Whitman - Rehoboth Police
(3) Sgt. Mitchell - Rehoboth Police Dept.
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

06 - 152 -
(Case Number)
(to be assigned by U.S. District Court)

CIVIL COMPLAINT

• • Jury Trial Requested

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

1-05-CV-600 KAJ

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ••Yes ••No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ••Yes ••No
- C. If your answer to "B" is Yes:
1. What steps did you take? None
 2. What was the result? _____
- D. If your answer to "B" is No, explain why not: My 1983 is directed at Rehoboth Beach Police Department.

III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: KEITH BANKS
 Employed as Chief of Police at Rehoboth Police
 Mailing address with zip code: 229 Rehoboth Avenue
Reho Bch, DE 19971-2197
- (2) Name of second defendant: R. TYLER WHITMAN
 Employed as PFC-Policeman at Rehoboth Police
 Mailing address with zip code: 229 Rehoboth Police
Reho Bch, DE 19971-2197
- (3) Name of third defendant: Benny Mitchell
 Employed as SGT-Policeman at Rehoboth Police
 Mailing address with zip code: 229 Rehoboth Avenue
REHO Bch, DE 19971-2197
- (List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)



CITY OF REHOBOTH BEACH
POLICE DEPARTMENT

229 Rehoboth Avenue
Rehoboth Beach, DE 19971-2197

KEITH W. BANKS
Chief of Police
Telephone: (302) 227-2577
Fax: (302) 227-6054
www.rehobothpolice.org

September 15, 2005

6 copies to
10-09-05

Charles F. Cardone
Unit SHU 19 . B8L
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Dear Mr. Cardone:

This letter is in response to the complaint you lodged against Pfc. Robt. Tyler Whitman of the Rehoboth Beach Police Department.

Sgt. Benjamin R. Mitchell, II of this Department has completed the investigation of your allegations and the findings have been reviewed by the Chief of Police. Your allegations have been ruled: **two counts not sustained; one count exonerated.** No disciplinary action will be taken against the officer.

This letter shall constitute the final action to be taken in this matter by the Rehoboth Beach Police Department. If you have any questions, or if you are not satisfied with the results of the investigation, please feel free to contact me or the Special Investigations Division with the Department of Justice (302) 577-8944.

Sincerely,

Keith W. Banks
Keith W. Banks
Chief of Police

KWB:mj
copy: file

Upd 28, 2004
Thursday 2 PM

TO: Keith W. Banks
Chief of Police
City of Rehoboth Beach

* To be used in
support of 1983 sent
to Del. District Ct on
Mar. 2, 2006 by cfr

From: Charles F. Cardone

RE: Citizen Complaint Report (RB11).
Excessive force/Police Brutality - PFC Robert T. Whitman

* Description of Incident:

On September 7, 2004, approx. 2100 I was
in the 7-11 Store on Rehoboth Avenue getting
myself a cup of coffee. In the next moment
was punched in the head and taken to the
ground on floor of the store and handcuffed.
I did not know who or what it was that tried
to take my head off... only after PFC Robert
T. Whitman tried to break my left arm at the
shoulder, and after he tried to crush my skull
by kneeling by his knees and putting his entire
weight on my head, did I see his police uniform.

over
- Continued →

RE: Continuation of Citizen Complaint by
me, Charles F. Cardone, to Chief of Rehoboth
Police Keith W. Banks Oct. 28, 2004
Thurs. 2PM

→ At no time whatsoever was I made
aware I was being placed under arrest,
nor was I Mirandized per Arizona
v. Miranda. This PFC Robert T. Whitman
did his damnest to injure me, and I
believe, kill me. I wish to be mon-
etarily compensated to the fullest
allowed by State and Federal law. Also,
PFC Robert T. Whitman should not
be allowed to wear a policeman's
uniform ever again. There was a
female officer who witnessed the
above mentioned crime, but I do not
know her name.

Charles F. Cardone

IM Charles F. Carlson

SBI# 098159 UNIT Blky 20C84

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

LEGA

* Clerk *

U.S. District Court

Lockbox 18

844 N. King St.

Wilm. DE

19801



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0004608975
\$ 00.63⁰⁰
MAR 03 2006
MAILED FROM ZIP CODE 19977



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